

SENATE BILL NO. 113

INTRODUCED BY J. KEANE

BY REQUEST OF THE FIRE SUPPRESSION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PILOT PROGRAM FOR MECHANIZED EQUIPMENT FUELS REDUCTION ON STATE LANDS WITHIN THE WILDLAND-URBAN INTERFACE AND FOR FIRE SUPPRESSION PURPOSES; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO REPORT TO THE LEGISLATURE; PROVIDING RULEMAKING AUTHORITY; CREATING A MECHANIZED EQUIPMENT FUELS REDUCTION PILOT PROGRAM ACCOUNT; PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Authorization of pilot program for mechanized fuels reduction and fire suppression -- reporting requirement -- rulemaking. (1) The department of natural resources and conservation shall:

(a) establish and implement a private contracting mechanized equipment fuels reduction pilot program on state land within the wildland-urban interface as defined in 76-13-102; ~~and~~

~~(b) consistent with best value contracting practices and the provisions of this chapter, use private contracting mechanized equipment for fire suppression purposes.~~

(2) The purpose of the pilot program is to evaluate the feasibility of using privately contracted mechanized equipment for fuel reduction and fire suppression purposes.

(3) The department shall:

(a) design the private contracting mechanized equipment fuels reduction pilot program to:

(i) cost-effectively reduce fuel loads on state land within the wildland-urban interface;

(ii) improve the overall health, productivity, and long-term revenue potential for the timber stand;

(iii) LIMIT VISUAL IMPACTS, MINIMIZE SOIL DISTURBANCE, AND PROMOTE HABITAT IMPROVEMENT IN A MANNER THAT CONFORMS WITH BEST FORESTRY PRACTICES;

~~(iii)~~(iv) be consistent with the state forest land management plan; and

~~(iv)~~(v) comply with all applicable state laws and rules; and

(b) provide a report to the 62nd legislature as provided in 5-11-210, evaluating the effectiveness of the pilot program.

(4) The department may adopt rules to implement this section.

(5) (A) UNLESS INCLUDED IN A SPECIFIC GENERAL FUND APPROPRIATION FROM THE LEGISLATURE, GENERAL FUND MONEY MAY NOT BE USED FOR THE PILOT PROGRAM FOR MECHANIZED EQUIPMENT FUELS REDUCTION AND FIRE SUPPRESSION PROVIDED FOR IN THIS SECTION. THIS RESTRICTION DOES NOT PRECLUDE THE USE OF A SPECIFIC FEDERAL APPROPRIATION, TRANSFER, GIFT, DONATION, GRANT, LEGACY, BEQUEST, OR DEVISE MADE FOR THE PURPOSES OF THIS SECTION.

(B) MONEY PROVIDED PURSUANT TO SUBSECTION (5)(A) MUST BE DEPOSITED IN THE APPROPRIATE MECHANIZED EQUIPMENT FUELS REDUCTION PILOT PROGRAM ACCOUNT ESTABLISHED IN [SECTION 2].

NEW SECTION. SECTION 2. MECHANIZED EQUIPMENT FUELS REDUCTION PILOT PROGRAM ACCOUNT
ACCOUNTS. (1) THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND ESTABLISHED BY 17-2-102 TO BE KNOWN AS THE MECHANIZED EQUIPMENT FUELS REDUCTION PILOT PROGRAM ACCOUNT.

(2) THERE MUST BE DEPOSITED IN THE ACCOUNT:

(A) MONEY RECEIVED FROM LEGISLATIVE ALLOCATIONS;

(B) A TRANSFER OF MONEY FROM A STATE OR LOCAL AGENCY FOR THE PURPOSES OF [SECTION 1]; AND

(C) A GIFT, DONATION, GRANT, LEGACY, BEQUEST, OR DEVISE MADE FOR THE PURPOSES OF [SECTION 1]; AND

(D) MONEY RECEIVED BY THE FEDERAL GOVERNMENT FOR THE PURPOSE OF ADMINISTERING [SECTION 1].

(3) THERE IS AN ACCOUNT IN THE FEDERAL SPECIAL REVENUE FUND ESTABLISHED BY 17-2-102 TO BE KNOWN AS THE MECHANIZED EQUIPMENT FUELS REDUCTION PILOT PROGRAM ACCOUNT. THERE MUST BE DEPOSITED IN THE ACCOUNT MONEY RECEIVED FROM THE FEDERAL GOVERNMENT FOR THE PURPOSE OF ADMINISTERING [SECTION 1].

(3) THE FUND (4) FUNDS IN EITHER ACCOUNT CREATED IN THIS SECTION MAY BE USED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ONLY TO ESTABLISH, ADMINISTER, AND IMPLEMENT THE MECHANIZED EQUIPMENT FUELS REDUCTION PILOT PROGRAM PROVIDED FOR IN [SECTION 1].

COORDINATION SECTION. SECTION 3. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 140 AND [THIS ACT] ARE PASSED AND APPROVED, THEN THE REFERENCE IN [THIS ACT] TO "MECHANIZED EQUIPMENT FUELS REDUCTION PILOT PROGRAM ACCOUNT" IN [SECTION 1(5)(B)] MUST BE CHANGED TO "FOREST HEALTH ACCOUNT".

COORDINATION SECTION. **SECTION 4. COORDINATION INSTRUCTION.** IF BOTH HOUSE BILL NO. 140 AND [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 2] OF HOUSE BILL NO. 140 AND [SECTION 2 OF THIS ACT] ARE VOID AND [SECTION 2] MUST READ AS FOLLOWS:

NEW SECTION. SECTION 2. FOREST HEALTH ACCOUNTS. (1) THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND ESTABLISHED BY 17-2-102 TO BE KNOWN AS THE FOREST HEALTH ACCOUNT. THERE MUST BE DEPOSITED IN THE ACCOUNT:

(A) MONEY RECEIVED FROM LEGISLATIVE ALLOCATIONS;

(B) A TRANSFER OF MONEY FROM A STATE OR LOCAL AGENCY FOR THE PURPOSES OF [SECTION 1] OR 77-5-216;

AND

(C) A GIFT, DONATION, GRANT, LEGACY, BEQUEST, OR DEVISE MADE FOR THE PURPOSES OF [SECTION 1] OR 77-5-216.

(2) THERE IS AN ACCOUNT IN THE FEDERAL SPECIAL REVENUE FUND ESTABLISHED BY 17-2-102 TO BE KNOWN AS THE FOREST HEALTH ACCOUNT. THERE MUST BE DEPOSITED IN THE ACCOUNT MONEY RECEIVED FROM THE FEDERAL GOVERNMENT FOR THE PURPOSE OF ADMINISTERING [SECTION 1] OR 77-5-216.

(3) FUNDS IN EITHER ACCOUNT CREATED IN THIS SECTION MUST BE USED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR THE PURPOSES OF [SECTION 1] OR 77-5-216.

NEW SECTION. SECTION 5. Codification instruction. ~~[Section 4]~~ is [SECTIONS 1 AND 2] ARE intended to be codified as an integral part of Title 76, chapter 13, and the provisions of Title 76, chapter 13, apply to ~~[section 4]~~ [SECTIONS 1 AND 2].

NEW SECTION. SECTION 6. Effective date. [This act] is effective on passage and approval.

NEW SECTION. SECTION 7. Termination. [This act] terminates December 31, 2012.

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